

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

v.

DAVID G. FLORENCE,

Defendant.

Case No. 2:13-cv-00035

Magistrate Judge Alistair E. Newbern

ORDER

On December 15, 2021, the Court ordered counsel for Defendant David Florence to “file a statement from Florence’s treating cardiologist or his or her designee that includes the doctor’s best estimate of Florence’s recovery period, including the date by which the doctor anticipates Florence will be able to return to work.” (Doc. No. 363.) In response, Florence’s counsel filed their own statement of information they obtained from Florence’s daughter and her son and attached a note from cardiac nurse practitioner Michael Scala stating that Florence would be “out of work 8 weeks.” (Doc. Nos. 367, 367-1.) Florence’s counsel stated that Scala anticipated the estimated return-to-work date would be addressed at a follow-up appointment with Florence’s cardiac surgeon. (Doc. No. 367.) The United States objects that this filing does not comply with the Court’s order. (Doc. No. 368.) Florence’s counsel agree that they have not provided the specified and state that they did not convey the need for that information to their client out of a desire not to contribute any stress to his recovery. (Doc. No. 369.)

A reliable statement of Florence’s expected recovery timeframe is needed for the Court to reset the trial on a date that best accommodates both the needs of Florence’s recovery and the need to timely resolve this matter. Accordingly, Florence’s counsel are ORDERED to file by January 7, 2022, updated medical documentation from Florence’s treating cardiologist, cardiac surgeon,

other physician directly involved in Florence's cardiac care, or the designee of one of those treating physicians, stating the doctor's current best estimate of when Florence will be cleared to return to work.

Counsel may file the medical documentation under seal and provide service copies to opposing counsel.

It is so ORDERED.


alistair e. newbern
ALISTAIR E. NEWBERN
United States Magistrate Judge